

## Article - Labor and Employment

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§9–710.

(a) This section does not apply to a claim for death due to an accidental personal injury from ionizing radiation.

(b) (1) If a covered employee dies from an accidental personal injury, the dependents of the covered employee or an individual on their behalf shall, within 18 months after the date of death, file with the Commission:

- (i) a claim application form;
- (ii) proof of death;
- (iii) certificates of any physician who attended the covered employee; and
- (iv) any other proof that the Commission may require by regulation.

(2) (i) A claim application form filed under paragraph (1) of this subsection shall include an authorization by the claimant for the release, to the claimant's attorney, the covered employee's employer, and the insurer of the covered employee's employer, or an agent of the claimant's attorney, the covered employee's employer, or the insurer of the covered employee's employer, of medical information that is relevant to:

1. the member of the body that was injured, as indicated on the claim application form; and

2. the description of how the accidental personal injury occurred, as indicated on the claim application form.

(ii) An authorization under subparagraph (i) of this paragraph:

1. includes the release of information relating to the history, findings, office and patient charts, files, examination and progress notes, and physical evidence;

2. is effective for 1 year from the date the claim is filed;  
and

3. does not restrict the redisclosure of medical information or written material relating to the authorization to a medical manager, health care professional, or certified rehabilitation practitioner.

(c) (1) If it is established that a failure to file a claim in accordance with this section was caused by fraud or by facts and circumstances amounting to an estoppel, the dependents of the covered employee or an individual on their behalf shall file a claim with the Commission within 1 year after:

(i) the date of the discovery of the fraud; or

(ii) the date when the facts and circumstances that amount to estoppel cease to operate.

(2) Failure to file a claim in accordance with paragraph (1) of this subsection bars a claim under this title.

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